IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

CRL.A.No. 481 of 2002()

ST.2069/1999 of JUDL.MAGISTRATE OF FIRST CLASS, NORTH PARAVUR

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APPELLANT: COMPLAINANT:

CHITTATTUKARA SAHITHYA POSHINI SAMAJAM,
REPRESENTED BY IT'S SECRETARY, V.V.SREEHARSHAN,
S/O.VELAYUDHAN, VAZHEPARAMBIL HOUSE,CHITTATTUKARA,
VADAKKEKARA.

BY ADV. SRI.K.G.SARATHKUMAR

RESPONDENTS: ACCUSED:

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1. N.K.KARTHIKEYAN, NIKATHIL VEEDU,
NENDOOR, VADAKKEKARA (P.O), N.PARAVUR.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K. SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No. 481/2002

Dated this 20th day of September, 2007

JUDGMENT

The appellant is the complainant in S.T.No.2069/99 in the file of the Judicial Magistrate of First Class, North Paravur, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

2. In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the Court below on 18.10.2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU
JUDGE

mrcs